

Appl. No. : 10/016,358  
Filed : October 30, 2001

## AMENDMENTS TO THE CLAIMS

1. - 19. (Cancelled).
20. (Currently Amended) A method of producing a genetically modified plant characterized as having increased disease resistance as compared to the corresponding wild-type plant, said method comprising:
  - a) contacting plant cells with a nucleic acid encoding a constitutive disease resistance 1 (CDR1) polypeptide, wherein said nucleic acid is operatively associated with an expression control sequence, to obtain transformed plant cells;
  - b) producing plants from said transformed plant cells under conditions which allow expression of said constitutive disease resistance 1 (CDR1) polypeptide; and
  - c) selecting a plant exhibiting said increased disease resistance.
21. (Previously presented) The method of claim 20, wherein said increased disease resistance is increased resistance to a bacterial pathogen.
22. (Previously presented) The method of claim 21, wherein said bacterial pathogen is selected from the group consisting of *Pseudomonas syringe* pv. *tomato* (Pst) and *Pseudomonas syringe* pv. *maculicola* (Psm).
23. (Previously presented) The method of claim 20, wherein the expression control sequence is a promoter.
24. (Previously presented) The method of claim 20, wherein the contacting is by physical means.
25. (Previously presented) The method of claim 20, wherein the contacting is by chemical means.
26. (Currently Amended) The method of claim 20, wherein the plant cells are cell is selected form the group consisting of protoplasts, gamete producing cells, and cells which regenerate into whole plants.
27. (Previously presented) The method of claim 20, wherein said nucleic acid is contained in a T-DNA derived vector.
28. (Previously presented) A plant produced by the method of claim 20.
29. (Previously presented) Plant tissue derived from a plant of claim 28.
30. (Previously presented) A seed derived from a plant of claim 28.

Appl. No. : 10/016,358  
Filed : October 30, 2001

31. (Currently Amended) A method for genetically modifying a plant cell such that a plant, produced from said cell, is characterized as having increased disease resistance as compared with a wild-type plant, said method comprising:

introducing a ~~constitutive disease resistance 1 (CDR1) of claim 5~~ polynucleotide encoding a constitutive disease resistance 1 (CDR1) polypeptide having the amino acid sequence of SEQ ID NO. 2, or a conservative variant thereof into a plant cell to obtain a transformed plant cell; and

growing said transformed plant cell under conditions which permit expression of said constitutive disease resistance 1 (CDR1) polypeptide thereby producing a plant having increased disease resistance.

32. (Previously presented) The method of claim 31, wherein said increased disease resistance is increased resistance to a bacterial pathogen.

33. (Previously presented) The method of claim 32, wherein said bacterial pathogen is selected from the group consisting of *Pseudomonas syringe* pv. *tomato* (*Pst*) and *Pseudomonas syringe* pv. *maculicola* (*Psm*).

34. - 38. (Cancelled)

39. (Currently Amended) A method of producing a genetically transformed, disease-resistant ~~plants~~ plant, comprising:

introducing into the genome of a plant cell to obtain a transformed plant cell, a nucleic acid sequence comprising an expression control sequence operably linked to a polynucleotide encoding a constitutive disease resistance 1 (CDR1) polypeptide; and

growing said transformed plant cell under conditions which permit expression of said constitutive disease resistance 1 (CDR1) polypeptide thereby producing a disease resistant plant.

40. (Previously presented) The method of claim 39, wherein said expression control sequence targets expression to a plant tissue selected from the group consisting of leaves, roots, shoots, and stems.

41. (Currently Amended) The method of claim 39, wherein the polynucleotide has the nucleotide sequence of SEQ ID NO: 1 is the polynucleotide of claim 5.

42. (Previously presented) The method of claim 39, wherein said disease resistance is resistance to a bacterial pathogen.

Appl. No. : 10/016,358  
Filed : October 30, 2001

43. (Previously presented) The method of claim 42, wherein said bacterial pathogen is selected from the group consisting of *Pseudomonas syringe* pv. tomato (Pst) and *Pseudomonas syringe* pv. maculicola (Psm).

44. (Previously Presented) A plant produced by the method of claim 39.

45. (Previously Presented) Plant tissue derived from a plant produced by the method of claim 39.

46. (Previously Presented) A seed derived from a plant produced by the method of claim 39.

47. - 51. (Cancelled)

52. (New) A recombinant plant exhibiting increased resistance to disease as compared to the corresponding wild-type plant, wherein said recombinant plant comprises a recombinant nucleic acid encoding a constitutive disease resistance 1 (CDR1) polypeptide.

53. (New) The recombinant plant of Claim 52, wherein said recombinant nucleic acid has the nucleotide sequence of SEQ ID NO: 1.

54. (New) The recombinant plant of Claim 52, wherein said CDR1 polypeptide has the amino acid sequence of SEQ ID NO: 2, or a conservative variation thereof.

55. (New) The recombinant plant of Claim 52, wherein said increased resistance to disease comprises increased resistance to bacterial infection.